IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF UTAH

In re:	Bankruptcy Number 02-23007
CLAYTON THEO PERKINS	Chapter 7
Debtor.	
THE WILLIAM W. BARNEY, M.D. P.C. RETIREMENT FUND,	Adversary Proceeding Number 02-2163
Plaintiff,	
v.	
CLAYTON THEO PERKINS,	
Defendant.	

JUDGMENT

This matter is under advisement after trial of creditor William W. Barney, M.D.P.C.

Retirement Fund's (the Fund) complaint seeking to declare as non-dischargeable a debt owed by

the Debtor, Clayton Theo Perkins, to the Fund, pursuant to 11 U.S.C. § 523(a)(2)(A). The Fund

seeks a determination that a $889,060.84 judgment is non-dischargeable.

After careful consideration of the parties' pleadings, exhibits, testimony, and the arguments of counsel, and after having made an independent review of applicable case law, the Court has entered Findings of Fact and Conclusions of Law on this date that determines that the $889,060.84 debt is non-dischargeable. Accordingly, it is hereby

ORDERED, that the William W. Barney, M.D.P.C. Retirement Fund's Claim for Relief plead under 11 U.S.C. § 523(a)(2)(A) is granted, and the oral Motion to Dismiss by Clayton Theo Perkins is denied; and it is further

ORDERED, that pursuant to the William W. Barney, M.D.P.C. Retirement Fund's Claim for Relief, the judgment entered against Clayton Theo Perkins by the Third Judicial District Court of Salt Lake County, Utah in the amount of $889,060.84, together with applicable interest at the statutory rate, is non-dischargeable.

DATED this _16_ day of September, 2003

JUDITH A. BOULDEN
United States Bankruptcy Judge

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CERTIFICATE OF SERVICE

This hereby certifies that the foregoing JUDGMENT was mailed by placing a copy in the United States mail to the following individuals this _____ day of September, 2003.

John T. Anderson, Esq.
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